

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-9, 13, 15-16, 18-19, and 21 are pending in the present application. Claim 1 has been amended to recite that the partially acylated fructan has a degree of substitution with at least one of acetyl, propionyl and butyryl groups of 0.4 - 2.5. Claim 2 is now an independent claim and recites a method of activating bleach comprising combining with the bleach a partially acylated fructan having a degree of substitution with C₁-C₆ acyl groups of 0.4 - 2.5 and a degree of substitution of less than 0.5 with other substituents. Support for amended claims 1 and 2 may be found in the present specification at page 1, lines 20-25. Claims 4, 7, and 13 have been amended to more particularly point out and distinctly claim the present invention. Support for new claim 21 may be found in claim 13. Claims 10-12, 14, 17 and 20 are canceled.

In the outstanding Official Action, claim 10 was rejected under 35 USC §102(b) as allegedly being anticipated by, or in the alternative, under 35 USC §103(a) as allegedly obvious over EHRHARDT et al. Applicants believe that the present amendment obviates this rejection.

As noted above, claim 10 has been canceled. As a result, applicants believe that the rejection has been rendered moot.

Claims 8 and 9 were rejected under 35 USC §103(a) as allegedly being unpatentable over EHRHARDT et al. Claims 1-7 and 11-20 were rejected under 35 USC §103(a) as allegedly being unpatentable over EHRHARDT et al. in view of DAMHUS et al. This rejection is respectfully traversed.

Applicants believe that the teachings of EHRHARDT et al. in view of DAMHUS et al. teach away from the claimed invention.

As noted above, independent claim 1 has been amended to recite a method of activating bleach comprising the step of combining with the bleach a partially acylated fructan having a degree of substitution with at least one of acetyl, propionyl and butyryl groups of 0.4 - 2.5 and a degree of substitution of less than 0.5 with other substituents as a bleach activator.

Independent claim 2 recites a method of activating bleach comprising the step of combining with the bleach a partially acylated fructan having a degree of substitution with C₁-C₆ acyl groups of 0.4 - 2.5 and the degree of substitution of less than 0.5 with other substituents as a bleach activator.

Upon reviewing the EHRHARDT et al. publication, EHRHARDT et al. disclose "cosmetic products, cleansing creams,

hair rinses, body lotions, rinsing agents and dishwashing detergent" (column 3, lines 57-62). EHRHARDT et al. do not teach that their product can be used in a bleaching process. Indeed, EHRHARDT et al. do not even mention a bleach activator.

Upon reviewing DAMHUS et al., it is apparent that DAMHUS et al. only teach acylated glucose derivatives having long-chain acyl groups. According to DAMHUS et al., a long-chain acyl group is necessary for the glucose derivatives to be suitable as bleach activators. "Long-chain" according to DAMHUS et al. means at least 7 carbon items (col. 1, line 59) and preferably at least 8 carbon items (col. 2, line 66). Thus, as DAMHUS et al. teach that a long-chain acyl group is necessary for glucose derivatives to be used as bleach activators, applicants believe that DAMHUS et al. teach away from the claimed method of activating bleach, which utilizes an acylated fructan with acyl groups of at least one of acetyl, propionyl, and butyryl. Moreover, the cited publications fail to disclose or suggest an acylated fructan with C₁-C₆ groups as claimed.

Moreover, when considering that EHRHARDT et al. do not even teach a bleach activator and that DAMHUS et al. disclose a bleach activator with long chain acyl groups, applicants believe that one skilled in the art would lack the motivation to combine and modify the references in a manner to obtain the claimed method.

As to claims 8 and 9, the claims are directed to a process of producing (i.e., synthesizing an acylated fructan. Applicants believe that the inventors have shown that example 14 of EHRHARDT et al. (US 5,877,144) does not work. In a previous response, reference was made to example 9, which, as the Examiner directly states, does not exist. The reference should have been made to example D at page 7, rather than example 9.

In view of EHRHARDT et al. and the examples disclosed therein, applicants believe that EHRHARDT et al. fail to disclose acylated or propionylated fructans having a solubility as set forth in the present invention. Moreover, EHRHARDT et al. do not provide any suggestion to one skilled in the art to optimize the process parameters to obtain the claimed invention.

At this time, the Examiner's attention is respectfully directed to the current examples in comparative example D. Comparative example D in the present specification corresponds to example 14 of EHRHARDT et al. (EP A 792 888), which is identical to EHRHARDT et al. (U.S. 5,877,144). Applicants believe that these examples demonstrate the differences between the claimed method and the method disclosed by EHRHARDT et al. Indeed, applicants believe that the examples show that by following each method, one of ordinary skill in the art would reach completely different outcomes.

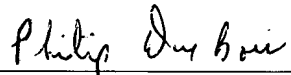
Thus, applicants believe that EHRHARDT et al. fail to render obvious claims 8 and 9.

Thus, in view of the foregoing remarks, applicants believe that the present application is in condition for allowance, with claims 1-9, 13, 15-16, 18-19, and 21 as presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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